IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.16333 of 2005

1. LIOYDS FINANCE LTD. THROUGH ITS M.D. PANKAJ DESAI @ PANKAJ R.DESAI SON OF SRI RETILAL DESQAI, 2ND FLOOR, VIRAJ IMPEX HOUSE- 47, P.D. MELLOW ROAD, P.S. MASJID BANDER, , MUMBAI- 400009.
2. PANKAJ DESARI @ PANKAJ R.DESAI S/O SRI RITILAL DESARI LLYYDS FINANCE LTD 2ND FLOOR, VIRAJ IMPEX HOUSE- 47, P.D. MELLOW ROAD, P.S. MASJID BANDER, , MUMBAI- 400009.
3. MUKESH R. GUPTA SON OF LATE RAJ NARAYAN GUPTS, LLYODS FINANCE LTD 2ND FLOOR, VIRAJ IMPEX HOUSE- 47, P.D. MELLOW ROAD, P.S. MASJID BANDER, , MUMBAI- 400009.
4. VIJAY KUMAR SINGH, SON OF DAMODAR SINGH, BRANCH MANAGER, LLYODS FINANCE LTD, 1ST FLOOR, III JAGAT TRADE CENTRE, FRAZER ROAD, PATNA. ; PETITIONERS.

Versus

1. STATE OF BIHAR
2. PATNA JESULT SOCIETY, ST. XAVIERS RESIDENT OF WEST GANDHI MAIDAN, PATNA- 8000001 THROUGH ITS TREASURER ANTONY MATTAPALLIL, S.J. ; OPPOSITE PARTIES.

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18 16.10.2008 This application has been filed for quashing the order dated 31.1.2005 passed by Sri Manoj Kumar Singh, Judicial Magistrate, 1st Class, Patna in Complaint Case No. 3140© of 2004 thereby cognizance has been taken under Sections 406, 420and 120B of the Indian Penal Code against the petitioners as well as the entire criminal proceeding arising out of the aforesaid complaint case.

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Heard learned counsel for the parties.

It is submitted by the learned counsel for the petitioners that the entire principal amount has already been returned to opposite party no.2 and now except the interest no further dues are payable to him. IN support of it, a supplementary affidavit has been filed.

Learned counsel for opposite partyno.2 is present. He concedes that the entire principal amount has already been received. Hue has no objection if the aforesaid criminal proceeding initiated

against the petitioners is quashed.

Thus, having regard to the facts and circumstances of the case as well as submission of learned counsel for both parties, this application is allowed. The impugned order taking cognizance dated 31.1.2005 along with the entire complaint case bearing Complaint Case No. 3140© of 2004 is hereby quashed.

However, opposite party no.2 is at liberty to raise the question of payment of interest, if any, at the appropriate form.

B.Jha **(Ghanshyam Prasad)**

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